

Calendar date of 04/20/11

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER DOCUMENTS
WILL BE REVIEWED PRIOR TO HEARING.**

The Probate Examiners can be reached at

ProbateNotes@sb-court.org

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **BPR BS01014**

CASE NAME: RUTH M HOLLISTER

HEARING:

FIRST AND FINAL Account and Report of CHRISTINE M STEVENS and
Petition for allowance of fees filed.

COUNSEL:

CHRISTINE M STEVENS (PET)...LOUIS A STEARNS, SR
RUTH M HOLLISTER (DEC)...
JERRY L ROHRER (OBJ)...PRO/PER

GENERAL INFORMATION:

Continued from **09-23-09, 11/25/09** and **02/03/10**. Counsel to file amended accounting to show this is not final and to incorporate all status reports. Counsel will file copy of dissolution judgment and deed.

Continued from 04/14/10, 06/30/10, 08/04/10 and 10/3/10 at request of counsel to finalize a settlement.

THIS CASE IS SET FOR HEARING ON Petition for Final Distribution upon Waiver of Account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Amended report and account are filed. Petitioner alleges that this is not a final accounting as the estate is insolvent as there is an outstanding deficit due to the personal representative for advances to preserve the estate. The personal representative is owed \$102,206.33 for real property expenses including clean up of hazardous materials, repair of the dysfunctional water well and irrigation systems. The only asset available to fund the reimbursement is the real property (valued at approximately \$135,000). The only other asset is real property gifted to a specific beneficiary of the Will (Joan Rohrer). In order to resolve the cash deficit, the heirs are willing to offer to purchase the undivided one-third equity of Patrisha Hollister in the remaining equity in the real property after allowance for payment of costs of administration. If Patrisha Hollister is unwilling to sell her share, then the personal representative will list the property for sale. **4th Status Report (3/30/11): petitioner states that the purchase of**

Patricia's interest is tentatively agreed to , but the negotiations are stalled by disagreement as to distribution of personal property. petitioner believes the value of the personal property in dispute does not warrant extended expenditure by the attorneys and proposes the Court order the parties to select a private mediator for a possible resolution. JTD

2. Petitioner does not indicate the additional time to conclude the estate administration, but court may wish to set next accounting review for 4/20/11.
3. Petitioner waives statutory compensation.
4. Petitioner alleges that attorney compensation was made by Christine M. Stevens and Joan C. Rohrer out of their personal funds due to estate's insolvency. Question how much was paid? Statutory fees are not payable until the conclusion of the estate and gains/losses should be a part of the calculation of statutory fees. Question if counsel has retained said payment in his attorney-client trust account? File verified supplement.

RECOMMENDATION

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **04/25/12**.

(vet/abs/gls/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000116**

CASE NAME: THE SUMIKO M. THOMAS LIVING TRUST (MASTER)

VACATED

HEARING:

Motion Re: TO FIX AMOUNT OF ATTORNEY'S FEES AWARDBLE AS ITEM OF
COSTS Filed by Respondent MARY ALANIZ (imaged)

COUNSEL:

CALE B. THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
THE SUMIKO M THOMAS LIVING TRU(TRU)...		
SUMIKO M. THOMAS	(PET)...	JACOBY & MEYERS
AMEKO CRAIN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
NATHAN T. HOFFMAN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
SUMIKO M. THOMAS	(DEC)...	
CALE B THOMAS	(PET)...	ROSE C ROSADO
CALE B THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
MARY ALANIZ	(GREGORY L ZUMBRUNN)...GREGORY L

Future hearing dates:

05/25/11 Hearing Re: DISMISSAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000116**

CASE NAME: THE SUMIKO M. THOMAS LIVING TRUST (MASTER)

VACATED

HEARING:
Petition for ATTORNEY'S FEES, COSTS AND EXPENSES

COUNSEL:

CALE B. THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
THE SUMIKO M THOMAS LIVING TRU(Tru)...		
SUMIKO M. THOMAS	(PET)...	JACOBY & MEYERS
AMEKO CRAIN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
NATHAN T. HOFFMAN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
SUMIKO M. THOMAS	(DEC)...	
CALE B THOMAS	(PET)...	ROSE C ROSADO
CALE B THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
MARY ALANIZ	(GREGORY L ZUMBRUNN)...GREGORY L

Future hearing dates:
05/25/11 Hearing Re: DISMISSAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000218**

CASE NAME: GORDON JONES FAMILY TRUST AGREEMENT
VACATED

HEARING:
Accounting Review

COUNSEL:
KAREN L TURNER (PET)...JAY OBERHOLTZER
GORDON JONES FAMILY TRUST AGRE(TRU)...
ANNETTE JONES (RES)...GARY A FOLTZ

Accounting filed and set for 4/28/11

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000760**

CASE NAME: ROBERT R VIVAR REVOCABLE TRUST

HEARING:

Hearing Re: STATUS HEARING AS TO AMENDED PETITION

COUNSEL:

BARBARA ZONIS (PET)...SHEASBY, CHO & MIDDLETON
THE ROBERT R VIVAR REVOCABLE T(TRU)...
DONNA M VIVAR (STE)...SHERRI L KASTILAHN
LINDA V DERIVERA (SHERRI L KASTILAHN)...SHERRI L

GENERAL INFORMATION

Continued from 02/02/11. Amended petition for relief from breach of compel trustees to provide information about rust and account; removal of co-trustees/appoint successor trustee or receiver; attorney fees filed this date by Barbara Zonis. Counsel reports that depositions are set 2/24-2/25/11. Ms Kastilahn to file response to amended petition; parties can consider mediation and court will continue matter. Trial dates can be set at a later date.

Continued from 03/09/11 for discovery.

THIS CASE IS SET FOR HEARING ON **Amended** Petition for Relief from Breach of Trust, Compel Trustees to Provide Information about the Trust, to Account and remove Trustee Pr. C. § 16064(a).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Barbara Zonis, is a beneficiary of the Robert R. Vivar Revocable Trust executed on 06/30/09. Robert, the Settlor, died on 08/05/10. The first Successor Trustees is Linda V. DeRivera. However, Linda and Donna M. Vivar have been acting as Co-Trustees since the death of the settlor. The trust names Linda as first successor trustee and Donna as second, yet the trust allows for the second trustee to act as full Co-Trustee.
2. Petitioner is requesting copies of Schedule A and B of the trust which list the trust assets. On 09/02/10, petitioner requested in writing a copy of the trust. Petitioner received a copy of the trust; however, alleges that the copy of the trust did not include Schedule A and B.

3. Petitioner is requesting the court to compel the co-trustees to account. On 09/02/10, petitioner requested in writing an accounting. This request was made 35 days prior to this petition was filed and less than 30 days after the Settlor's death. However, 60 days have now passed since this request. The court has the power to compel the trustee to report information about the trust or to account if the trustee fails to submit the report within 60 days after written demand and no report or account has been made within six months preceding the request. (Pr.C. § 17200(b)(7)). It is unclear for what accounting period Petitioner is requesting as the Co-Trustee's have only been acting as Trustees since the Settlor's death on 08/05/10. Article VI section C(4) indicates that annual accountings are to be filed. Question whether petitioner is requesting an accounting from date of death to current or an itemization of assets. Need verified supplement.
4. Petitioner is further requesting:
 - a. Removal of Co-Trustees and to appoint a receiver or temporary trustee to take possession of the Trust property and administer the trust.
 - b. Co-Trustees be enjoined from distributing, selling, disposing or encumbering Trust property.
 - c. Attorney's Fees and costs.
5. Petitioner has been accused of taking \$8,000 in cash by obtaining combination to the Settlor's safe. However, no prosecution appears to have been desired, merely documentation of the alleged incident. Police report (tabbed). Petitioner alleges that the Co-Trustees have had complete control of the premises and does not have the combination to the safe.
6. **Response filed by Linda DeRivera and Donna Vivar denying allegations, requesting order that petitioner pay attorney's fees and request petition be dismissed.**

RECOMMENDATION

Need to clear notes then set for evidentiary hearing.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000854**

CASE NAME: THE HUGHES FAMILY TRUST AGREEMENT OF 1995
SEE ALSO 6A 6B

HEARING:

Motion Re: Motion to Disqualify Charles S. Althouse Filed by
Petitioner LARRY POSIK

COUNSEL:

LARRY POSIK (BEN)...AARON CHARLES GREGG
THE HUGHES FAMILY TRUST AGREEM(TRU)...
TIMOTHY HUGHES (RES)...ALTHOUSE & MCDONOUGH

Opposition filed 4/15/11 and sent to imaging.

No notes – JTD

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000854**

CASE NAME: THE HUGHES FAMILY TRUST AGREEMENT OF 1995
SEE ALSO 6 6B

HEARING:

Petition for CONTEST TO THE HUGHES FAMILY TRUST AGREEMENT
OF 1995 EXERCISE OF POWER OF APPOINTMENT

COUNSEL:

LARRY POSIK (BEN)...AARON CHARLES GREGG
THE HUGHES FAMILY TRUST AGREEMENT(STRU)...
TIMOTHY HUGHES (RES)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION

Continued from 12/29/10 and 3/16/11 at request of counsel.

THIS CASE IS SET FOR HEARING ON Contest to the Hughes Family Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner Larry Posik alleges he is a beneficiary of the Hughes Family Trust, created on June 9, 1995 and amended on March 13, 2003.
2. Petitioner alleges that Trustor Lois Virginia Hughes died on August 2, 2004, at which time Trustor James R. Hughes became the sole Trustee.
3. Petitioner alleges that Trustor James R. Hughes died on June 29, 2010, at which time James E. Posik and Timothy Robert Hughes became Co-Trustees.
4. Petitioner alleges that James R. Hughes exercised a Power of Appointment granted under the Trust at a time when he was not of sound mind and was subject to undue influence. Petitioner seeks an order voiding said exercise of the Power of Appointment and distributing Trust assets as provided in the earlier Trust Amendment.
5. Petitioner seeks attorney's fees and costs of suit.
6. Verified response filed by Timothy Hughes.

RECOMMENDATION

Set for contested hearing.
(smj/cbr/kra)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO DS1000854**

CASE NAME: THE HUGHES FAMILY TRUST AGREEMENT OF 1995

SEE ALSO 6 6A

HEARING:

Petition for INSTRUCTIONS, REQ FOR DIVISION OF TRUST INTO SUBTRUSTS,
IMPOSITION OF CONSTRUCTIVE TRUST ETC

COUNSEL:

LARRY POSIK (BEN)...AARON CHARLES GREGG
THE HUGHES FAMILY TRUST AGREEM(TRU)...
TIMOTHY HUGHES (RES)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION

Continued from 12/29/10 and 3/16/11 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Instructions; Request for Division of Trust into Subtrusts; Imposition of Constructive Trust; Request for Surcharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner Larry Posik alleges he is a beneficiary of the Hughes Family Trust, created on June 9, 1995 and amended on March 13, 2003.
2. Petitioner alleges that Trustor Lois Virginia Hughes died on August 2, 2004, at which time Trustor James R. Hughes became the sole Trustee.
3. Petitioner alleges that Trustor James R. Hughes died on June 29, 2010, at which time James E. Posik and Timothy Robert Hughes became Co-Trustees.
4. Petitioner alleges that upon the death of Trustor Lois Virginia Hughes the Trust was to be divided into two subtrusts, but that James R. Hughes failed to do so. Petitioner seeks an order compelling the Co-Trustees to subdivide the Trust assets into Trust A and Trust B and to account for assets that should have been placed in the two trusts.
5. Petitioner seeks to impose a constructive trust over Trust assets or proceeds, and a surcharge against the estate, for any breach of trust by Trustor James R Hughes.
6. Petitioner seeks attorney's fees and costs of suit.
7. Verified response filed by Timothy Hughes.

RECOMMENDATION: Set for contested hearing.

(smj/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS0900052**

CASE NAME: MTR OF CHARLES F PUMPHREY III

HEARING:

Petition for ALLOWANCE OF COMPENSATION FOR EXTRAORDINARY
SERVICES OF ATTY FOR ADMINISTRATOR

COUNSEL:

CYNDY CYD GULLEY	(PET)...	TREDWAY LUMSDAINE & DOYLE
CHARLES F PUMPHREY III	(DEC)...	
CAMILLEA NORRIS	(MIN)...	
JEANNE E KENNEDY	(PET)...	JEANNE E KENNEDY
JANAKAY NORRIS	(PET)...	COLIN D RASMUSSEN
JEANNE E KENNEDY	(PET)...	ZUMBRUNN LAW CORPORATION
ZUMBRUNN LAW CORPORATION	(PET)...	ZUMBRUNN LAW CORPORATION
JANAKAY NORRIS	(TP)...	COLIN D RASMUSSEN
KATHRY MCGINNIS	(BRIAN M THOMPSON)...BRIAN M T
JAMES F WATTS	(JAMES F. WATTS)...JAMES F.

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Allowance of Extra-ordinary services for attorney Zumbrunn for Administrator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Gregory Zumbrunn, former attorney for personal representative Jeanne Kennedy. The estate value appears to be approximately \$985,507.03. Petitioner is not requesting a portion of the statutory fees, but rather extra-ordinary fees totaling \$6,450 plus \$500 in costs re trial proceedings. Itemized.

RECOMMENDATION

Court's discretion.
(cbr)

Future hearing dates:
08/10/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS0800724**

CASE NAME: SHERWOOD W STRATTON AND MURIEL E STATTON

HEARING:
Accounting Review

COUNSEL:
SANDRA L SADLER (PET)...DIANA J CARLONI
THE SHERWOOD W. STRATTON & MUR(STRU)...
CHARLES E STRATTON (STE)...AI WOODWARD

GENERAL INFORMATION

Continued from 01/26/11 no appearance. Ms Fix is ordered to appear with completed accounting. Clerk mailed notice.

Continued from 3/2/11 as matter was calendared in error this date.

Continued from 3/9/11 for Ms Fix to appear at hearing and bring her report or the Court will issue a bench warrant on 3/16/11. Court notes that Cathy Fix was served with notice of today's hearing. Ms Carloni's office to provide original of return receipt signed by Cathy Fix of the court's order after 1/26/11 hearing (signed by court on 2/2/11).

Continued from 3/16/11 Court notes that Cathy Fix's license is valid. Diana Carloni to prepare subpoena for Fix to appear and produce records.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Court trial on 11/4/10, status conference on 12/08/10. Counsel entered into stipulation on the record and agree that Cathy Fix may now do her accounting. Court ordered accounting filed by 01/10/11, and set this matter for hearing.
2. Need accounting.

RECOMMENDATION

When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128.

(smj/cbr/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS0900206**

CASE NAME: ALDON JASPER RUCKLE

HEARING:
Hearing Re: STATUS REPORT

COUNSEL:
CHARLES A RUCKLE (PET)...A. MERLE SESSIONS
ALDON JASPER RUCKLE (DEC)...

GENERAL INFORMATION:

Continued from 3/16/11 for notice, then Court will continue for one year.

THIS CASE SET FOR HEARING ON Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 07/16/09, full authority no bond.
2. Petitioner is requesting an additional year to close the estate in order to litigate the real property heir issue.
3. **Notice of hearing filed. However, the notice does not contain the specific language in accord with Pr.C.§12201. Need proper notice.**

RECOMMENDATION

Need notice. If approved, set next Accounting Review/Status for 03/21/12. Any accounting to be filed 30 days prior to hearing.
(cbr/kra)

FUTURE HEARINGS

05/12/11 Petition for Accounting of Rental Proceeds.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS0900370**

CASE NAME: NORINE MARIE RODINE

HEARING:
Accounting Review

COUNSEL:
JOHN C HINDS JR (PET)...GREGORY L ZUMBRUNN
NORINE MARIE RODINE (DEC)...
SCOTT RODINE (TP)...JOHN F WEBER

GENERAL INFORMATION
Continued from 03/02/11.

THIS CASE SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 07/07/09, full authority \$20,000 bond.
2. Previous status report approved on 09/08/10.
3. Need accounting or next status report.
4. Stip filed re division of estate property on 12/02/10.

RECOMMENDATION

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company.
(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS0900856**

CASE NAME: MTR OF FRANK EDWARD ODDO (MASTER FILE)

HEARING:
Accounting Review

COUNSEL:
ARLENE I ODDO (PET)...VON ESCH & VON ESCH
FRANK EDWARD ODDO (DEC)...
AUDREY MAY ODDO (RES)...GENNADY L. LEBEDEV

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review/Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Arlene Oddo appointed executor on 02/10/10; however, letters did not issue until 12/06/10. Therefore, the accounting is prematurely due.

RECOMMENDATION

Court may wish to continue matter to 12/07/11.
(cbr)

Future hearing dates:
05/23/11 Status of Mediation .
05/23/11 Petition for to determine title & require transfer

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS1100162**

CASE NAME: ANDREW TABOR MITCHELL TESTAMENTARY TRUST

HEARING:

Petition for REMOVAL OF TRUSTEE, COMPEL TRANSFER OF PROPERTY,
CONSTRUCTIVE TRUST, DETERMINE VALIDITY

COUNSEL:

RICHARD CHRYSTIE (PET)...GREGORY L ZUMBRUNN
ANDREW TABOR MITCHELL TESTAMEN(STRU)...

GENERAL INFORMATION:

THIS CASE SET FOR HEARING ON Petition for Removal, Compel Transfer of Property, Constructive Trust, Validity, Compel an Accounting and Surcharge for Breach of Trust Pr. C. §§ 850, 15642, 16002, 16004, 16400, 16420, 17000, 17200.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Richard Chrystie (surviving spouse of Sandra), is successor in interest to the rights of Sandra Ann Chrystie, deceased, pursuant to the spousal property order entered by this court and filed on 12/01/10. Sandra was a co-trustee with her mother and brother, Emma Rose Mitchell and Aron Tabor Mitchell of the Andrew Tabor Mitchell Testamentary Trust established 08/02/1976 in the estate of Andrew Tabor Mitchell (Los Angeles County). Emma died on 04/25/00 and Sandra subsequently died on 05/03/05. Testamentary trust distributes to Aron and Sandra at the time of Emma's death. Question the value of the testamentary trust on 04/25/00. Need verified supplement.
2. Petitioner alleges that the 25% interest that Sandra was entitled to was never transferred to Sandra. The property in question is interest in the 250 shares of stock in A.T. Mitchell Machinery Co and real property located at 4201 E Brickell, Ontario. The real property located on Brickell was purchased in 2009 after Sandra's death. It appears that petitioner has received interest in the real property located on Brickell per spousal property petition in case PRODS1000792 on 12/01/10. Petitioner indicates the deed in question is attached as Exhibit G; however, it does not appear to be attached. Need same.

3. Petitioner is requesting that Aron account for all rents of the property from the date of Emma's death. An accounting was requested in writing on 12/27/10. No response has allegedly been made by Aron.
4. Petitioner is requesting that Aron account all profits/sales for the business A.T. Mitchell Machinery Co.
5. Petitioner is requesting to compel Aron to pay petitioner the value of 25% interest in the property and A.T. Mitchell Machinery Co. business.
6. Petitioner is requesting an order for a constructive trust concerning the property to the extent of petitioner's interest in the trust property.
7. Petitioner is requesting surcharge against Aron for alleged breach of fiduciary duties.
8. Petitioner is requesting that the Brickell Grant Deed be declared invalid and that a deed be executed conveying 25% interest from the trust to petitioner. Question if petitioner is seeking more than the 25% interest he received through the spousal property petition? Need verified supplement.
9. Petitioner is requesting determination that Aron is no longer trustee and the Mitchell Trust is terminated.
10. Petitioner is requesting attorney's fees and costs.
11. Petitioner states that the jurisdiction is with this court. Question if Los Angeles County retained jurisdiction? Need verified supplement.
12. No responsive pleadings were filed at time of review on 03/25/11.

RECOMMENDATION

Need to clear notes then set for evidentiary hearing.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS1100170**

CASE NAME: PATRICIA A. DAY

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full Authority under IAEA.

COUNSEL:
ROSA MARTINEZ (PET)...CATHERINE GRANT WIEDER
PATRICIA A. DAY (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Will
Annexed with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is requesting bond of \$100,000. Appears sufficient.
2. Although there are other persons who have priority to serve, nominations have been filed by those persons with higher priority.

RECOMMENDATION

RFA, \$100,000 bond. If approved, set Accounting/Status Review for 06/27/12. Any
accounting to be filed 30 days in advance. Note requirements of local rule 20-908.
(cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **PRO PS1100188**

CASE NAME: HELEN L. RICHARDSON

HEARING:
Petition To Determine Succession To Real Property

COUNSEL:
KAREN L. LENDAK (PET)...GREGORY L ZUMBRUNN
HELEN L. RICHARDSON (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is seeking 100% interest in the decedent's real property per terms of the will.

RECOMMENDATION

RFA
(cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **SPR SS05812**

CASE NAME: ESTATE OF ROBERT D. GONZALES

HEARING:
Probate status report filed.

COUNSEL:

MICHAEL A. GONZALES	(PET)...E JOAN NELMS
ROBERT D. GONZALES	(DEC)...
HEIR BUYOUT COMPANY	(TP)...PRO/PER
BARBARA A CORRAL	(RONDA A MIDDLETON)...RONDA A M
MICHAEL A GONZALES	(HARTNELL LISTER & MOORE)...HARTNELL
HEIR BUYOUT COMPANY	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges the estate is not in a condition to be closed as the settlement agreement of 2/2/09 has not been completely satisfied. The agreement was for Michael Gonzales to purchase the real property at the 2009 value of \$405,000. Because of the drop in value, Mr. Gonzales has been unable to get a loan, but has kept the mortgage, tax and insurance current. As the market appears to be recovering, Mr. Gonzales will continue to apply for financing.
2. Petitioner requests an extension of 12 months in order to close the administration.
3. Notice of hearing filed. However, the notice does not contain the specific language as required in Pr.C.§12201. Need proper notice.

RECOMMENDATION:

Subject to proper notice. If approved, court to set hearing re accounting review for **4/25/12.**

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **SPR SS06284**

CASE NAME: ESTATE OF ROBERT EARL JOHNSON

HEARING:
Hearing re Final Discharge

COUNSEL:
SHARON JOHNSON (PET)...SHERRI L KASTILAHN
ROBERT EARL JOHNSON (DEC)...
CONSCIOUSNESS FOUNDATION INC (TP)...PRO/PER
VON ROBINSON ()...
BURDETTE M GARVIN ()...

GENERAL INFORMATION

On 07/07/10 Court set OSC hearing as there was no appearance or final discharge/receipts filed. Notice given by courtroom clerk. Nothing new filed. Continued from **08/11/10**. Counsel reported that she has receipts from all but one heir, Robert Johnson II. Need amended petition and declaration re attempts to locate Mr. Johnson.

Continued from **09/15/10 and 12/15/10**. Need receipt from County Treasurer.

Continued from 01/19/11 at request of counsel.

THIS CASE SET FOR HEARING ON OSC Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution approved on 05/20/09.
2. Receipts filed. However, need receipt from County Treasurer indicating funds were received on behalf of Robert E. Johnson, Jr.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 9:00 DEPT: S9P

CASE#: **VPR VS002910**

CASE NAME: ESTATE OF HELEN ELIZABETH MAURY

HEARING:
Hearing Re: ACCOUNTING REVIEW

COUNSEL:
LA REINA GLENN (PET)...MARTIN E KELLER
HELEN ELIZABETH MAURY (DEC)...
VALERIE C JOHNSON (PET)...MARTIN E KELLER
VALERIE C JOHNSON (TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION

On **2/9/11** Court set an OSC when there was no appearance or accounting filed. Notice given by courtroom clerk.

On 3/16/11 OSC off-calendar. Reason: filing final accounting.

THIS CASE SET FOR HEARING ON Accounting Review/Status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued as to Valerie Johnson, successor administrator 09/27/10, \$125,000 bond. Previous personal representative passed away. Final accounting for La Reina, deceased personal representative, approved on 11/29/10.
2. Need accounting/Status.

RECOMMENDATION

Inquire status.
(cbr/kra)

FUTURE HEARINGS

10/03/11 FINAL DISCHARGE (PRIOR)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON DS1000170**

CASE NAME: MARVIN C. ROBERTS

HEARING:

Hearing Re: CONFIRM TRANSFER

COUNSEL:

APRIL L. SULLIVAN (PCR)...DENNIS M SANDOVAL
MARVIN C. ROBERTS (PCE)...SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Confirm Transfer

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court ordered matter transferred to Napa County on 03/0/11.
2. Need confirmation of transfer.

RECOMMENDATION

Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON DS1000134**

CASE NAME: MTR OF JONATHAN HARDT

HEARING:
HEARING RE: C I REPORT

COUNSEL:
LENORE ROTH (CE)...E JOAN NELMS
JONATHAN HARDT (CTE) ...
AMERICAN CONTRACTORS INDMENITY(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Court Investigator report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set at hearing re Compliance Review on 3/16/11. Court ordered a 6 month review by the Court Investigator. Clerk noticed the Court Investigator.

RECOMMENDATION:
Need Court Investigator report.
(kra)

FUTURE HEARINGS
9/14/11 ACCTNG RVW

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON DS1000192**

CASE NAME: MTR OF TERESA MARIE PEREZ

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of ELISA D PEREZ

COUNSEL:

ELISA D PEREZ	(PET)...PRO/PER
TERESA MARIE PEREZ	(DEC)...JANET M HERRING
RALPH D PEREZ	(CP)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed Limited conservator of the person only on 09/15/10.
2. As conservatee is developmentally disabled and receiving benefits from the Inland Valley Regional Center, does court wish to require a care plan is required per Pr.C.§2352.5(e)? JTD
3. Court Investigator report not due at this time (limited Conservatorship).

RECOMMENDATION

Court's discretion re note 2.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON DS1000334**

CASE NAME: BETTYE GREWE

HEARING:
Accounting Review

	COUNSEL:
MELINDA PRYOR	(CPE)...WIL R MULLINS
BETTYE GREWE	(CEP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary Conservator appointed on 12/09/10; \$20,000 bond. Temporary Conservator terminated on 03/02/11.
2. Need accounting.

RECOMMENDATION
Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON DS1100014**

CASE NAME: ELIZABETH BAKER

HEARING:
PROBATE/CONSERVATORSHIP MANAGEMENT CONFERENCE

COUNSEL:
ELLA MILLER (CP)...GERALD A MARGOLIS
LOIS JEANETTE MCELHANNON (PCR)...STAPLETON & STAPLETON
ELIZABETH BAKER (PCE)...
ELIZABETH BAKER (CEE)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Conservatorship Management Conference.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Lois Jeanette McElhannon appointed Successor Conservator of person only on 10/18/05; Los Angeles Superior Court.
2. Court Investigator report completed on 02/03/09 in Los Angeles County.
3. Need Court Investigator report.

RECOMMENDATION

Need Court Investigator report then court's discretion.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON PS0700036**

CASE NAME: BRANDI PETRICKA

HEARING:

Petition for AND DECL OF ROBERTA L TAYLOR REGARDING ATTORNEYS FEES

COUNSEL:

GARRY RIECHERS	(CP)...DENNIS M SANDOVAL
JEANNE RIECHERS	(CP)...DENNIS M SANDOVAL
BRANDI PETRICKA	(CTP)...ROBERTA L TAYLOR
CASA COLINA, INC.	(RES)...MCDERMOTT WILL & EMERY

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for fees by court-appointed counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Roberta Taylor, was appointed for the conservatee on 3/4/10.
2. Petitioner requests fees of \$11,880.00 billed at a rate for attorney at \$280/hour and for paralegal at \$120/hour for a total of 45.00 hours.

RECOMMENDATION:

Court's discretion.

(kra)

FUTURE HEARINGS

5/18/11 3RD ACCTNG

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON PS0700048**

CASE NAME: GERALDINE DELORES HURD

HEARING:

Conservatorship Compliance Review Hearing on SUPP MH-OTHER COL30
of PATRICIA SYKES

COUNSEL:

PATRICIA SYKES (PET)...EDWARD B FISCHER
SHERRIDA JOHNSON (CPE)...EDWARD B FISCHER & ASSOCIATES
GERALDINE DELORES HURD (CEP)...WALTER T. MOORE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sherrida Johnson appointed successor Conservator of person and estate on 09/15/10, no bond.
2. Does court wish to require care plan for successor Conservator? JTD
3. Court Investigator report filed 4/5/11.

RECOMMENDATION

Court's discretion.

(cbr/kra)

Future hearing dates:

11/23/11 Accounting Review for successor

10/26/11 Final Discharge previous Conservator.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **CON PS1100044**

CASE NAME: RUDOLPH A GUIDA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARVIN GUIDA (CPE)...PRO/PER
RUDOLPH A GUIDA (CEP)...

GENERAL INFORMATION
Temporary orders granted on 3/16/11

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, filed by son

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests no bond to be required as petitioner is the son of proposed conservatee. This is not a legal reason to excuse bond. However, the estimated estate appears to be public benefits only, and bond could be waived per Pr.C. §2323; 2628. JTD
2. Petitioner requests powers to place proposed conservatee and fix residence per Pr.C. §2351-2358. JTD
3. Petitioner requests 2590 powers. However, no specific powers and/or justification for such powers are identified. Need verified supplement.
4. Petitioner requests medical and dementia powers, including the authority to administer dementia medications. Need to file medical capacity declaration.
5. As dementia powers are sought, court appointed Attorney Roberta Taylor. Need report of counsel.
6. Petitioner alleges proposed conservatee is not able to complete an affidavit of voter registration.
7. Need proof of completion of Conservatorship Education Course.
8. Need to file notice of hearing and proof of service.
9. Need return of Citation.

RECOMMENDATION:

Need to clear notes. Once approved, set hearing for filing of inventory and appraisal, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for **11/22/11**. Set hearing on Accounting Review for **6/26/12**. Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **VC VS372**

CASE NAME: IN THE MATTER OF KIMBERLY FRANCINE RIGGS

HEARING:
Hearing Re: ACCOUNTING

COUNSEL:
SHEILA D RIGGS (CPE)...PRO/PER
KIMBERLY FRANCHI RIGGS (CEP)...ROBERTA L TAYLOR

GENERAL INFORMATION

Continued from **11/4/10**. Conservator is deceased. Court appointed attorney Roberta L. Taylor for conservatee.

Continued from **12/16/10**. Conservatee is now in Canada with her sister, who understood from Court Investigator that the Conservatorship was terminated when the Conservator passed away. Ms. Taylor to prepare a report re: income of Conservatee. Court to follow up with Court Investigator.

Continued from 3/16/11 at request of counsel to contact conservatee's sister in Canada and direct her to appear by court-call.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. The court was informed that the conservator, Sheila Riggs, aka Sheila Johnson, died.
2. Need accounting/waiver of accounting for the period 4/17/09 – 4/16/10. Also question whether a successor conservator is to be appointed.
3. Report of Roberta Taylor, appointed counsel, filed.

RECOMMENDATION:

Need final accounting/waiver of accounting.
(gls/fhl/abs/cbr/kra)

FUTURE HEARINGS

6/16/11 ACCTNG RVW

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 10:30 DEPT: S9P

CASE#: **BC BS00042**

CASE NAME: NICHOLETTE MICHELLE DUPONT

HEARING:
Petition for TO TERMINATE CONSERVATORSHIP

COUNSEL:
TARCILA DUPONT (PET)...PRO/PER
NICHOLETTE MICHELLE DUPONT (PCE)...JANET M HERRING
NICHOLETTE DUPONT (PET)...JANET M HERRING

GENERAL INFORMATION:

Continued from 4/6/11 Counsel indicates that there have been no other family members wanting to act as conservator. Grandfather, Joe Alderetti, states that her father would like to assume responsibility for her in Rochester, New York, where he resides. The court orders counsel to speak with father regarding this matter. If the issue is resolved by 4/20/11, the court terminates the conservatorship and relieves Janet Herring as counsel.

THIS CASE SET FOR HEARING ON Petition to Terminate Conservatorship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:\

1. Petitioner, counsel for Conservatee, is seeking termination of the Conservatorship. Petitioner reports that the Conservator has passed away and the Conservatee will only consent to a family member to become Conservatee. Conservatee currently lives with her grandfather and son in Barstow.
2. Petitioner states that the Conservatee only receives Social Security and Medi-Cal benefits. Court may wish to require a final waiver of accounting.

RECOMMENDATION

Court's discretion. If approved, set Accounting Review for final account on 06/15/11.
(cbr/kra)

HONORABLE: CYNTHIA LUDVIGSEN

MISC.

DATE: 04/20/11 TIME: 1:30 DEPT: S9P

CASE#: **PRO DS1000116**

CASE NAME: THE SUMIKO M. THOMAS LIVING TRUST (MASTER)
VACATED

HEARING:
Hearing Re: COURT TRIAL

COUNSEL:

CALE B. THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
THE SUMIKO M THOMAS LIVING TRU(Tru)...		
SUMIKO M. THOMAS	(PET)...	JACOBY & MEYERS
AMEKO CRAIN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
NATHAN T. HOFFMAN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
CALE B. THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
SUMIKO M. THOMAS	(DEC)...	
CALE B. THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
SUMIKO M. THOMAS	(DEC)...	
AMEKO CRAIN	(PET)...	LAW OFFICES OF SCOTT FRIDLEY
SUMIKO M. THOMAS	(DEC)...	
CALE B THOMAS	(PET)...	ROSE C ROSADO
THE SUMIKO M THOMAS LIVING TRU(Tru)...		
CALE B THOMAS	(PET)...	CALDWELL, KENNEDY & PORTER, A.
AMEKO CRAIN	(STE)...	
NATHAN T. HOFFMAN	()...	
AMEKA CRAIN	(LAW OFFICES OF SCOTT FRIDLEY)...	LAW OFFIC
NATHAN T. HOFFMAN	(LAW OFFICES OF SCOTT FRIDLEY)...	LAW OFFIC
CALE B. THOMAS	()...	
CALE B. THOMAS	(JEANNE KENNEDY)...	JEANNE KE
MARY ALANIZ	(GREGORY L ZUMBRUNN)...	GREGORY L
CALE THOMAS	(JEANNE KENNEDY)...	JEANNE KE

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: CYNTHIA LUDVIGSEN

DATE: 04/20/11 TIME: 1:30 DEPT: S9P

CASE#: **PRO DS1000526**

CASE NAME: ROBERT B. KROST, JR. TRUST

HEARING:
Mandatory Settlement Conference

	COUNSEL:
ROBERT A KROST	(PET)...AVILES & ASSOCIATES
DAN KROST	(PET)...AVILES & ASSOCIATES
JIM KROST	(PET)...AVILES & ASSOCIATES
NEIL KROST	(PET)...AVILES & ASSOCIATES
DINA R VELEZ	(TEE)...JACK B OSBORN
ROBERTO A VELEZ	(JACK B OSBORN)...JACK B OS
PENNY C LOZANO	(JACK B OSBORN)...JACK B OS
K&V PROPERTIES LLC., A CALIFOR	(JACK B OSBORN)...JACK B OS
DINA R VELEZ	(JACK B OSBORN)...JACK B OS

No calendar notes as this is on for Mandatory Settlement Conference.

FUTURE HEARINGS
4/25/11 1ST & FINAL ACCTNG

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: J MICHAEL WELCH

PROBATE

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **CON PS0800307**

CASE NAME: GUADALUPE MACIAS

HEARING:

Petition for PAYMENT OF FEES

COUNSEL:

J. ISMAEL MACIAS	(PCR)...JOSEPH P FOLEY
ALICIA MACIAS	(PCR)...JOSEPH P FOLEY
ALISSA MAYELA MARTINEZ	(PCR)...JOSEPH P FOLEY
GUADALUPE MACIAS	(PCE)...NOREEN FONTAINE
GUADALUPE MACIAS	(CEP)...NOREEN FONTAINE
NOREEN T FONTAINE	(PET)...NOREEN T FONTAINE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Payment of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Noreen Fontaine, was appointed counsel for Conservatee on 01/27/09. Petitioner is requesting fees of \$8,903 for 30.70 hours at \$290 per hour in relation to the Special Needs Trust. Itemized.
2. Need notice of hearing and proof of service.

RECOMMENDATION

Need notice then court's discretion.

(cbr)

SHOULD BE 10:30 CAL??

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO DS1000397**

CASE NAME: MERCEDES J LEACH TRUST

VACATED

HEARING:

Petition For To Determine Validity Of Trust And Amendment Thereto

COUNSEL:

BARBARA J MARTIN (PET)...FULLERTON LEMANN SCHAEFFER & D
THE MERCEDES J LEACH TRUST DAT(TRU)...
ROSE MARIE CLOSE (OBJ)...STANLEY W HODGE

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO DS1100087**

CASE NAME: VAN DEAN CLARK

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full Authority under IAEA.

COUNSEL:

MICHELE PALAZZO	(PET)...PRO/PER
VAN DEAN CLARK	(DEC)...

GENERAL INFORMATION:

Continued from 3/16/11 for Charles Clark to file written objections.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Will
Annexed with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. **Notice of returned documents dated 3/11/11, indicates a petition for appointment was returned because it was not on the mandatory Judicial Council forms or in the alternative that an objection was to be filed, the document was not properly titled.**

RECOMMENDATION

RFA, no bond. If approved, set Accounting/Status Review for 05/23/12. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(cbr/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0700095**

CASE NAME: MTR OF HAROLD JAMES FLORES

HEARING:
Accounting Review

COUNSEL:
DONNA GONZALES (PET)...FULLERTON LEMANN SCHAEFFER & D
HAROLD JAMES FLORES (DEC)...

GENERAL INFORMATION

Continued from 01/31/11. Accounting to be filed by 03/1/11. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters Testamentary issued on 04/16/07, full authority, \$210,000 bond.
2. 2nd Status of Administration approved 1/25/10.
3. No accounting or status of administration filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company.

(kra/cbr)

Superior Court of Calif, County of San Bernardino

Page: 4

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0700581**

CASE NAME: MTR OF IZOLA SUE FIGLEY-BAKER

SEE ALSO 5

HEARING:

Petition for INSTRUCTIONS RE: CLARIFICATIN ON ESTATE
DISTIRBUTION AND AUTHORITY TO SELL ESTATE PROPTY

COUNSEL:

ART FIGLEY (PET)...SHERRI L KASTILAHN
IZOLA SUE FIGLEY-BAKER (DEC)...
THOMAS BAKER (OBJ)...PRO/PER

GENERAL INFORMATION

Continued from 03/02/11. Thomas Baker to file written objections and serve parties involved in unlawful detainer matter and request matter be transferred to be heard with the probate matter.

THIS CASE SET FOR HEARING ON Petition for Instructions Pr. C. § 2580(b)(1).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner brings the petition under Pr. C. § 2580(B)(1). However, this probate code applies to Conservatorship re sale of Conservatee's residence. Need verified supplement with correct probate code.
2. Petitioner, personal representative, is seeking authorization to sell the real property of the estate located in Fontana. Petitioner alleges that the surviving spouse, Thomas Baker, has repeatedly interfered with the sale of the house and refused to cooperate for the last three years. Mr. Baker allegedly obtained a loan on the real property after the decedent's death for \$68,500. Mr. Baker has 50% interest in the real property as tenant in common and two-thirds interest re intestate succession.
3. Petitioner is seeking an order confirming that Mr. Baker is entitled to half of the real property as tenant in common and 1/3 of the decedent's share; remaining two-thirds to split amongst the decedent's three children. The distributed share appears to be per intestate succession and how the real property is titled.
4. **Objections filed by Thomas Baker on 03/14/11 denying any interference to sell the real property.**
5. **Response to objections filed 4/11/11.**

RECOMMENDATION: Need to clear note 1. Matter is contested.

(cbr/abs/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0700581**

CASE NAME: MTR OF IZOLA SUE FIGLEY-BAKER

SEE ALSO 4

HEARING:
Accounting Review

COUNSEL:
ART FIGLEY (PET)...SHERRI L KASTILAHN
IZOLA SUE FIGLEY-BAKER (DEC)...
THOMAS BAKER (OBJ)...PRO/PER

GENERAL INFORMATION

Continued from **06/09/10**. Counsel stated that the property still had not sold. **Status report to be filed by next hearing.**
Continued from 12/15/10, 02/9/11 and 03/02/11.

THIS CASE IS SET FOR HEARING ON Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate was opened in 2007.
2. Probate status report/waiver of account was approved on 7/15/09.
3. Need next probate status report or accounting.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(abs/cbr/abs/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0800065**

CASE NAME: DIANE ELIZABETH RICHARD

HEARING:

FIRST AND FINAL Account and Report of DENISE E TURNAGE and
Petition for allowance of fees filed.

COUNSEL:

DENISE E. TURNAGE (PET)...GREGORY L ZUMBRUNN
DIANE ELIZABETH RICHARD (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Final Account, Distribution and
Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is requesting statutory compensation of \$2,716.46. Calculated.
2. Attorney is requesting statutory fees of \$2,716.46. Calculated.
3. Petitioner is requesting reimbursement of costs totaling \$1,655.94. Itemized.
4. Petitioner is requesting that Jerry Turnage, spouse of personal representative, be paid/reimbursed \$5,000 re improving the real property. Generally Itemized [laserfiche page 17]. JTD
5. Petitioner is requesting a reserve of \$2,000.

RECOMMENDATION

Court's discretion. If approved, court to set hearing on filing receipts and final discharge for 04/25/12.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0800539**

CASE NAME: MTR OF ISABEL T POWELL

SEE ALSO 8

HEARING:

OSC re: Proof of Blocked Account filed by GUY P BAUMAN

COUNSEL:

GUY P BAUMAN	(PET)...DALE C HUFFAKER
ISABEL T POWELL	(DEC)...
JILL G SHIRLEY	(TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION

Continued from 02/16/11 and 03/09/11.

THIS CASE IS SET FOR HEARING ON OSC re Proof of Blocked Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. This matter set at the 1/19/11 hearing on First & Final Account of Guy Bauman
2. Stipulation and Order for Deposit of Sale Proceeds into Blocked Account approved on 2/9/11.

RECOMMENDATION

Court's Discretion.

(smj/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0800539**

CASE NAME: MTR OF ISABEL T POWELL

SEE ALSO 7

HEARING:

FIRST AND FINAL Account and Report of GUY P BAUMAN and Petition
for allowance of fees filed.

COUNSEL:

GUY P BAUMAN	(PET)...	DALE C HUFFAKER
ISABEL T POWELL	(DEC)...	
JILL G SHIRLEY	(TP)...	FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

Continued from **08/24/10, 11/09/10 and 01/19/11**. Supplement to be filed by 02/02/11.
Continued from 03/09/11 at request of counsel.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued on 08/26/08, no bond.
2. Assets on hand \$212,540.99 consisting of \$12,540.99 cash and remainder in real property.
3. Statutory fees of \$7,543.75 requested. However, statutory fees are based on an amount other than the Final I & A filed on 12/12/08. Petitioner alleges that "all of the assets of the estate" were identified in the Status Report filed 2/25/10 totaling \$227,187.59 which comprised of the real property (\$200,000), cash of \$18,687.59 and a Lexus automobile with a value of \$8,500. A supplemental inventory should be required on the cash and automobile. **Supp: 03/03/11 petitioner submits declaration re after discovered assets totaling \$31,157.03, but not formally appraised. Any non-cash assets are to be appraised by a probate referee. Does court wish to require a supplemental Inventory and Appraisal? JTD**
4. Petitioner requests reimbursement for advanced costs in the amount of \$7,513.40. Itemized.
5. Petitioner states that the existing cash in the estate must remain on hand to bear the costs of ownership, thus leaving nothing for repayment of funds advanced or

statutory fees. Petitioner requests an order authorizing sums due the executor and his attorney to be recorded as a lien against the real property of this estate. JTD.

6. **Objection filed Jill G. Shirley on 08/19/10. Objector believes there are other assets which should have been valued (i.e., coin collection, three IRA accounts, an annuity). Objector also questions why petitioner made no attempts to rent the property and therefore objects to an allowance for advances totaling \$7,513.40. Objector also alleges the accounting does not reflect objector's advance of \$2,000 from her own funds which objector requests reimbursement.**
7. **Response to objections filed by personal representative.**

RECOMMENDATION:

Need to clear notes. Set for contested hearing.

(vet/smj/vet/cbr/gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0801079**

CASE NAME: JERRY R. EDWARDS JR

HEARING:

OSC re: Sanctions for FTA/Failure to file an Accounting filed by
JERRY R EDWARDS III

COUNSEL:

JERRY R EDWARDS III (PET)...FERD & ASSOCIATES
JERRY R EDWARDS JR (DEC)...
BERNARD M BIDART (TP)...

GENERAL INFORMATION

On 11/17/10 Court set OSC hearing as there was no appearance or final discharge/receipts filed. Notice given by courtroom clerk. Nothing new filed. Continued from **01/12/11**. No appearance. Court notified Public Guardian [sic] of possible appointment.

Continued from 03/09/11. Public Guardian notified in error. Matter is referred to Public Administrator for possible appointment.

THIS CASE SET FOR HEARING ON OSC re Sanctions for FTA/Failure to File an Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 4/21/09, \$152,000 bond.
2. No accounting or status report of administration filed. Need same.
3. Court to notice bonding company.
4. Need Final I&A.
5. **Notice of Non-Payment of Bond Premium filed 8/31/09 indicating \$215.00 is past due.**
6. Citations issued, but service was not effected. Roman Ferd has moved; no new address. Jerry Edwards III has moved; appears there is new address in Victorville. Court may wish to issue new citation. **Citation issued to Jerry Edwards III. Need return of citation issued 11/19/10 and sent to Orange County Sheriff on 12/22/10. Citation returned un-served on 01/10/11.**

7. **Court to see recommendation from Department of Aging and Adult Services filed on 02/01/11.**

RECOMMENDATION

Court's discretion. Court to notice bonding company.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0900086**

CASE NAME: MTR HELEN RUNYON

SEE ALSO 10A

HEARING:

Petition for APPROVAL OF SETTLEMENT AGREEMENT

COUNSEL:

JOHN WELCH	(PET)...	DIANA J CARLONI
HELEN RUNYON	(DEC)...	
PAT S GUMZ	(PET)...	ZUMBRUNN LAW CORPORATION
DONNASUE SMITH ORTIZ	(PET)...	PRO/PER
JOHN WELCH	(TP)...	DIANA J CARLONI

CCP170.6 filed reassigned to S16P

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Approval of Settlement Agreement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner sets forth settlement agreement signed by beneficiaries (one a minor with appointed Guardian Ad Litem). The settlement agreement appears to incorporate the civil matter where the decedent's nephew filed, CIVBS 900902, which appears to be on for status on this date.

RECOMMENDATION

Court's discretion. Court may wish to trail to 05/04/11 matter.

(cbr)

Future hearing dates:

05/04/11 Establishment of Educational Trust.

Superior Court of Calif, County of San Bernardino

Page: 10A

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **CIV BS900902**

CASE NAME: JOHN WELCH-V-PAT GUMZ,ETAL

SEE ALSO 10

HEARING: STATUS

COUNSEL:

JOHN WELCH (PLA)...LAW OFFICES OF JAMES BRUCE MIN
PAT S GUMZ (DEF) ...
UNION BANK OF CALIFORNIA () ...
JOHN K MATTESON () ...
ANGEL EBEL () ...

X REF PROPS0900086(ALSO 5/04)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0900217**

CASE NAME: GUDRUN D WILLIAMS

HEARING:
Accounting Review

COUNSEL:
KEITH L WILLIAMS (PET)...PRO/PER
LYSLE W WILLIAMS JR (PET)...PRO/PER
GUDRUN D WILLIAMS (DEC)...

GENERAL INFORMATION
Continued from 07/12/10.

THIS CASE IS SET FOR HEARING ON accounting review/status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Initial order for probate granted 4/27/09 with full bond. However, on 9/10/09 Court granted a waiver of bond. Letters were issued on 2/10/10.
2. Need accounting or status report.

RECOMMENDATION:
Inquire status.

(kra/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS0900545**

CASE NAME: MARY ROMAN VELARDE

HEARING:

FIRST Account and Report of MONICA L. HINOJOS and Petition for allowance of fees filed.

COUNSEL:

MONICA L. HINOJOS (PET)...GREGORY L ZUMBRUNN
MARY ROMAN VELARDE (DEC)...
JOHNNY VARGAS (OBJ)...SHERRI L KASTILAHN

GENERAL INFORMATION

Continued from 11/24/10 and 02/02/11. Objections to be filed by Attorney Kastilahn.

THIS CASE SET FOR HEARING ON First Account Current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 5/3/09 to 9/30/10.
2. Assets on hand \$130,702.27.
3. Petitioner is requesting an additional year to close the estate and has requested 12/14/11 as the hearing date.
4. **Objections filed by Johnny Vargas [laserfiche Page 7]. Objector is requesting documentation on State Farm Loan, an order offsetting Rose McDowell's distributive share totaling \$676.45. Additionally, objector is seeking that Monica Hinojos, personal representative, to reimburse estate for Downey Savings Accounts totaling \$11,411.11 and that the Toyota not be part of the estate.**
5. A receipt has been filed by attorney Zumbrunn indicating that he has received \$13,500 for the buyout of the beneficial shares of 3 heirs in the real property and the funds will be placed in an interest bearing trust account.

RECOMMENDATION

Set for contested hearing. If approved, set next Accounting Review for 12/14/11. Any accounting to be filed 30 days prior to hearing.

(cbr/abs/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS1000005**

CASE NAME: DOUGLAS H. LARAMORE

HEARING:
Accounting Review

COUNSEL:
SHANE LARAMORE (PET)...MICHELLE D STRICKLAND
DOUGLAS H LARAMORE (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting Review/Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 04/09/10, \$20,000 bond.
2. Need accounting or status report.

RECOMMENDATION
Inquire status.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS1100169**

CASE NAME: JEROME WILLIAM SPRAUER

HEARING:
Petition To Determine Succession To Real Property

COUNSEL:
WILLIAM J. SPRAUER (PET)...NORMAN RASMUSSEN
ANNE S. LOGAN (PET)...NORMAN RASMUSSEN
JEROME WILLIAM SPRAUER (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are seeking 100% interest in the decedent's real property per terms of the will. Petitioners are co-trustees of the trust; which the will distributes. Will and trust provided.

RECOMMENDATION
Court's discretion.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **PRO PS1100187**

CASE NAME: THOMAS JOSEPH MAILHOT

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MICHELLE M. OCAMPO (PET)...BAUM HEDLUND ARISTEI & GOLDMAN
THOMAS JOSEPH MAILHOT (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by daughter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is requesting no bond based on the only asset of the estate is a civil action for wrongful death lawsuit. JTD
2. Need proof of publication.

RECOMMENDATION

RFA subject to note 2 and court's discretion re bond. If approved, set Accounting/Status Review for **06/27/12**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **VPR VS002886**

CASE NAME: ESTATE OF RAYMOND D MIZER

HEARING:

FINAL Account and Report of DALE R MIZER and Petition for allowance of fees filed.

COUNSEL:

DALE R MIZER	(PET)...	SU P CHEAH
RAYMOND D MIZER	(DEC)...	
HENRY MELENDEZ	(TP)...	CAMARENA & P LESE
JACK COLE	(JOHN F EYRICH)...JOHN F EY

170.6 FILED RE-ASSIGNED TO S16 P

GENERAL INFORMATION
Continued from 02/24/11

THIS CASE IS SET FOR HEARING ON Final Account and Report and Petition for Allowance of Fees and Petition to Abandon Estate Assets

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner waives statutory compensation. However, petitioner has advanced \$16,784.81 from his own personal funds towards payment of attorney's fees which petitioner seeks reimbursement. JTD
2. Attorney Cheah requests statutory fees of \$25,918.75. The statutory fee basis includes the value of the shares of Northwest Pacific Development valued at \$1,200,000 which petitioner requests to abandon (see note 3). Thus, question whether the fee basis should be calculated on \$91,784.73 which statutory fees would equal \$3,674.99. Need verified supplement with points and authorities how the abandonment is not a loss on calculating statutory compensation. **Supp: Petitioner alleges that the measure of compensation is the value appraised by the probate referee and not reduced by the value of the assets proposing to be abandoned.**
3. Petitioner alleges that he paid his former attorneys, Law Offices of Gerald R. Lundberg, a total sum of \$19,320.81 in fees and costs from estate funds, and a further sum of \$16,784.81 from petitioner's personal funds. This sum

totals \$36,105.62, an amount which exceed the statutory compensation. Additionally since two attorneys are entitled to statutory fees, need an agreement as to a proration of fees, as well as an explanation of how overpayment of fees by Atty Lundberg will be reimbursed. **Supp: Petitioner proposes that the total payment of \$19320.81 be applied towards payment of fees for extraordinary services rendered by petitioner's previous attorneys. Petitioner's present attorney has agreed to reduce the request for statutory attorney's fees to \$1,000 thereby leaving petitioner with a right to reimbursement of \$11,038.52. from the estate from his personal funds.**

4. At paragraph 25, page 9-10, of the petition, petitioner alleges that Atty Lundberg has rendered ordinary services totaling 45.00 hours, or \$10,930.00, of which \$8,821.32 has been paid leaving a balance due of \$2,486.11. Question if the \$10,930.00 is the prorated portion of the statutory fees due Atty Lundberg? File verified supplement.
5. At paragraph 25, page 10, of the petition; petitioner alleges that Atty Sue Cheah has rendered ordinary services totaling 10.00 hours, or \$2,200.00. Atty Cheah states she is entitled to prorated fees for ordinary services of \$4,665.37 but is waiving the right to such fees and only requesting fees of \$2,200.00. JTD
6. Atty Lundberg requests the court to ratify the extraordinary fees of \$24,146.91 for services rendered in connection with the litigation involving creditors and contract dispute with Westar Plaza which have been paid. Petitioner alleges that there was not a previous discussion regarding obtaining court order for payment of attorney's fees from estate funds and assumed at the time of payment that his attorneys knew what he could be authorized to pay from funds belonging to the estate. Counsel, however, should have known that any fees are not payable from the estate without court approval. JTD
7. Petitioner requests the court to ratify the following payments of attorney's fees for consultation regarding proper venue for the probate petition and the prospect of filing a lawsuit against Westar Plaza:
 - (a) Atty Dennis Acker in Alaska - \$3,185.00 (proper venue). The itemized statement includes 5.5 hours @ \$176/hour for drafting intestate petition for Superior Court in Anchorage, AK with affidavits. The statement is marked "not authorized". Question then if this portion of the bill was refunded (i.e., \$965.50). **Supp Petitioner alleges Atty Acker has refunded \$1,815.00 and has refused to refund for the 5.5 hours of drafting the intestate petition.**
8. Petitioner requests authority to withhold \$1,000 as a reserve for closing costs. Ok.
9. Petitioner requests authority to abandon the following assets:
 - (a) All of the stock of the corporation known as Northwest Pacific Development, Inc., including the right of the corporation to recover monies pursuant to the Assignment Agreement entered into with Westar Plaza LLC valued at \$1,200,000. Petitioner alleges the value

of the corporation was determined solely on the right of the corporation to receive 40% of the profits after estimated development costs from an agreement entered into with Westar Plaza LLC for a large development on a 93 acre parcel of land in the high desert area. Despite several attempts to negotiate a plan or agreement to enable petitioner to work together with the developer to sell the property, no settlement was reached. Petitioner had contemplated litigation but was advised by counsel the litigation would be costly to the estate. Northwest Pacific Development has no other assets and all monies remaining in the bank account have been used for costs of administration. Need consent of residual heirs to abandon this asset.

(b) Question if there are any breaches the estate would suffer by abandoning the contract with Westar Plaza LLC or whether the contract terminated by failure to act on the part of Westar? **Supp filed 2/24/11: The three residual heirs abandon the estate assets. Petitioner does not believe the estate will suffer any breaches by abandoning the contract.**

(c) All of the stock of the corporation known as Inland Pacific Construction, Inc., valued at \$0.00. There are no allegations to support the abandonment of this asset other than the value of the stock is \$0.00. Need verified supplement with consent of residual heirs to abandon this asset. **Supp filed 2/24/11: The three residual heirs abandon the estate assets.**

10. Petitioner alleges he used his own personal funds to pay off the Cadillac automobile (\$8,409.70). Petitioner further alleges he could not find a buyer for said automobile so shipped the vehicle to his address in Alaska. Petitioner proposes to use the payoff amount as an amount to purchase the Cadillac. The date of death value was \$10,500. JTD

RECOMMENDATION:

Court's discretion. If approved, set hearing on the filing of receipts and final discharge for **4/25/12.**

(gls/cbr/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 9:00 DEPT: S16P

CASE#: **VPR VS003101**

CASE NAME: MATTER OF THE MC SPICER TRUST

HEARING:

Petition for ORDERS TO ASCERTAIN BENEFICIARIES OF THE SPICER
TRUST, REMOVE AND SURCHARGE CO-TRUSTEES, ETC

COUNSEL:

CHARLES KING (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY ATISHA CLEYO SPICER (PET)...CALDWELL, KENNEDY & PORTER, A.
MILBRY CLEYO SPICER (DEC)...
THE MILBRY CLEYO SPICER TRUST (TRU)...
RANDOLPH WILL STEWARD (PET)...DAVID A ELWELL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition to ascertain beneficiaries, remove and surcharge co-trustees, etc.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner (beneficiary Randolph Steward) seeks an order pursuant to Pr.C. 17200 et seq:
 - a. To ascertain trust beneficiaries
 - b. To remove the successor co-trustees (respondents Charles King and Milbry Spicer) for breach of fiduciary duty and for surcharge
 - c. To enjoin co-trustees from violating duties
 - d. To appoint successor trustee(s) or PA
 - e. To set aside 10/1/08 order approving first accounting
 - f. To set aside 7/29/09 order approving second accounting
 - g. To disqualify attys Jeanne Kennedy, David Porter, and their firm and to disgorge fees paid to them from the trust including per the orders approving the first and second accountings
 - h. To impose a lien upon co-tenants' ownership interests in real property to secure obligations of the trust
 - i. For fees and costs against co-trustees, counsel, and the trust

2. In support of these requests, petition alleges that the successor co-trustees have failed to follow trust terms, failed to secure bond, delegate to attorneys who have become defacto trustees, failed to petition the court when stalemates were reached among the three successor co-trustees, failed to seek appointment of a successor co-trustee when one resigned, failed to deal impartially and fairly with petitioner/beneficiary, failed to marshal and protect trust assets, failed to enforce trust claims for conversion, failed to administer the trustee for beneficiaries' benefit and to appropriate standards, failed to ascertain trust beneficiaries per ambiguous trust terms, subjected the trust to unreasonable risks, failed to pay rent, failed to avoid conflicts of interest, and failed to file truthful reports and accountings. Petitioner adds that counsel has approved of or ratified the co-trustees' conduct.
3. Respondents are Charkes King (co-trustee), Milbry Spicer (co-trustee), Joyce Spicer (beneficiary/co-tenant of trust property), John Spicer (beneficiary and co-tenant), Patricia Hakee (beneficiary), Deedra King (beneficiary and co-tenant), Marshall Steward (co-tenant), Roberta Griffin (co-tenant), Rebecca Steward (co-tenant), Randecca Steward (co-tenant), Steward Transport, LLC (co-tenant), Jeanne Kennedy (co-trustees' counsel), David Porter (co-trustees' counsel), and Caldwell Kennedy & Porter (firm representing co-trustees).
4. Copy of trust instrument is attached to petition.
5. A proof of service for respondent Marshall Steward (only) is filed. Need proof of personal service for remaining respondents.
6. No opposition has been filed as of date of review.

RECOMMENDATION

Need proper notice then set for evidentiary hearing.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 04/20/11 TIME: 10:30 DEPT: S16P

CASE#: **CON DS1100003**

CASE NAME: HELEN MAY MEIXSEL

HEARING:

Hearing Re: Care Plan/Evaluation by Carolyn Michaelis

COUNSEL:

DONNA BALDEWICZ (CPE)...WIL R MULLINS
HELEN MAY MEIXSELL (CEP)...JEANNE KENNEDY

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Care Plan/Evaluation.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 03/02/11, Court appointed Donna Baldewicz as Conservator of the person and estate, bond \$482,000.
2. Court ordered Carolyn Michaelis [sic] to perform an evaluation/care plan for the Conservatee.
3. Report of Dr. John Franklin Randolph filed on 03/02/11.
4. Evaluation by Helen Meixsell of Parent Care Management Services filed 4/14/11.

RECOMMENDATION

Inquire status.

(cbr/kra)

Future hearing dates:

10/19/11 Compliance Review

05/09/12 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 10:30 DEPT: S16P

CASE#: **CON PS0700291**

CASE NAME: MTR OF LUCILLE HAZEL HOFFMAN

HEARING:
Accounting Review

COUNSEL:
ELAINE F GREGG (CPE)...JANET M HERRING
LUCILLE HAZEL HOFFMAN (CEP)...SHERRI L KASTILAHN
ELAINE GREGG (PET)...JANET M HERRING

GENERAL INFORMATION

Continued from 03/01/11. No appearance. Notice given by courtroom clerk.

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 06/22/10, Court approved the 1st account; 2nd accounting now due covering the period 01/01/09 to 12/31/10 (2 years).
2. No accounting filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(vet/cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 10:30 DEPT: S16P

CASE#: **VC VS128**

CASE NAME: IN THE MATTER OF RONALD C BROWN

HEARING:

FOURTEENTH Account and Report of CLEO BROWN, MARTIN R BROWN and
Petition for allowance of fees filed

COUNSEL:

CLEO M BROWN	(CEP)...CALDWELL KENNEDY & PORTER, A.P
RONALD C BROWN	(PCE)...
MARTIN R BROWN	(CPE)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 14th account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 1/1/09 – 12/31/10.
2. Assets on hand \$647,756.75 consisting of \$6,446.43 in cash, \$380,000 in real property and the balance in securities and personal property.
3. Cash assets on hand as of 12/31/10 do not match account statements with a difference of \$2,777.91 [LF Accounting page 79 & Statements page 222]. Need verified supplement and corrected summary & supporting schedules if needed.
4. Petitioner states that the Court authorized petitioner to pay herself \$700.00 per month [LF Accounting page 4]. However, there is no prayer/request to continue these payments.
5. Attorney requests fees of \$4,622.50 billed at attorney rate of \$300/hour and paralegal at \$125-\$100/hour for a total of 29 hours.
6. Letter from VA indicates the VA does not approve the accounting. Court may wish to inquire if the VA requirement have been satisfied.

RECOMMENDATION:

Need to clear notes. RFA. If approved, Court may wish to set the next hearing re Accounting Review for **4/25/12**. Any accounting to be filed 30 days in advance.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: J MICHAEL WELCH

MISC.

DATE: 04/20/11 TIME: 1:30 DEPT: S16P

CASE#: **PRO DS1000528**

CASE NAME: THE RAYBURN LIVING TRUST

SEE ALSO 22

HEARING:

Mandatory Settlement Conference

COUNSEL:

RAVEN STEVENS (PET)...CUNNINGHAM & ASSOCIATES

THE TAYBURN LIVING TRUST DATED (TRU)...

KENNETH G, RAYBURN (OBJ)...CHRISTIAN MENARD

CCP170.6 FILED REASSIGNED TO S16 P

M.S.C. – No notes

Future hearing dates:

06/16/11 Petition to Compel Account, Remove etc.

06/22/11 Trial

06/22/11 Petition to Compel Account, Remove etc.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: J MICHAEL WELCH

DATE: 04/20/11 TIME: 1:30 DEPT: S16P

CASE#: **PRO DS1000528**

CASE NAME: THE RAYBURN LIVING TRUST

SEE ALSO 21

HEARING:

Petition for TO COMPEL TRUSTEE TO ACCOUNT; TO REMOVE TRUSTEE AND
TO APPOINT SUCCESSOR TRUSTEE

COUNSEL:

RAVEN STEVENS (PET)...CUNNINGHAM & ASSOCIATES
THE TAYBURN LIVING TRUST DATED (TRU)...
KENNETH G, RAYBURN (OBJ)...CHRISTIAN MENARD

CCP170.6 FILED AS TO CYNTHIA LUDVIGSEN, CASE REASSIGNED TO
JUDGE J MICHAEL WELCH FOR ALL PURPOSES.

GENERAL INFORMATION

Continued from **9/9/10** as a 170.6 was filed.

Continued from 10/21/10 and 12/6/10 at request of counsel for Attorney Lang to file a
motion for change of venue.

Continued from 01/24/11. Matter is contested.

THIS CASE IS SET FOR HEARING ON Petition to Compel Trustee to Account to Remove
Trustee and to Appoint Successor Trustee

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Raven Stevens, is a beneficiary of the Rayburn Living Trust dated 1/7/91 and amended on 5/15/97 and 6/10/97. The original trustor, Carmen Rayburn, died on 7/6/97. Kenneth G. Rayburn has been and is currently the trustee of the Trust. Petitioner alleges the trustee has not provided petitioner with a Notification of Trustee per Pr.C. §16061.7 so therefore, petitioner does not know where the principal place of administration is. However, the trustee is a resident of Apple Valley, so petitioner believes the principal place of administration is Apple Valley.
2. On 4/12/10, petitioner demanded in writing that the trustee provide petitioner with a complete account of the trust. To date, no accounting has been provided and more than 60 days has elapsed from such request.

3. Petitioner requests that the court remove Kenneth Rayburn as trustee because he has breached his fiduciary duties by self-dealing, not accounting to the beneficiaries of the trust for over 13 years, commingling trust assets with trustee's personal assets and clouding the title of Trust property by mortgaging the real property under the trustee's name in his individual capacity. Petitioner further requests that the trustee be surcharged for the excessive and unwarranted delays that have occurred in procuring this accounting.
4. Petitioner requests that the court appoint a third party trustee, as the named successor trustee, Herbert Fowler Rayburn, died 9/2/10.
5. **Response filed on 8/31/10, and the trustee Kenneth Rayburn alleges that he has provided his final accounting in 1998 and the Trust assets were disbursed in 2000. Petitioner alleges that the accounting is barred by statute of limitations per Pr.C. §16460. That section generally provides a three year statute of limitations to bring an action against trustee re an accounting.**
6. **Reply to opposition filed on 01/20/11.**

RECOMMENDATION:

Court's discretion.

(gls/smj/gls/abs/kra/cbr)

Future hearing dates:

06/16/11 Petition to Compel Account, Remove etc.

06/22/11 Trial

06/22/11 Petition to Compel Account, Remove etc.

Superior Court of Calif, County of San Bernardino

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San Bernardino District

HONORABLE: FRANK GAFKOWSKI

PROBATE

DATE: 04/20/11 TIME: 9:00 DEPT: S37

CASE#: SPR SS06860

CASE NAME: MTR OF IRREVOCALE CHARITABLE REMAINDER TRUST

HEARING: Motion Re: NOTICE OF MOTION TO COMPEL PRODUCTION OF
DOCUMENTS BY JUDGMENT DEBTOR DAVID ETC Filed by Petitioner THOMAS
M PARTAIN, LINDA J PARTAIN

COUNSEL:

THOMAS M PARTAIN (PET)...CHERYL THOMAS ATTORNER AT LAW
LINDA J PARTAIN (PET)...CHERYL THOMAS ATTORNER AT LAW
DAVID J. WEEMS (APP)...PRO/PER
TRUSTEE OF CALIFORNIA SAFETY A(CC)...ANDERSON, MCPHARLIN & CONNERS
JOAN DRINKWATER (CC)...ANDERSON, MCPHARLIN & CONNERS
JAMES R JAHN (CC)...ANDERSON, MCPHARLIN & CONNERS
CHARLOTTE I JAHN (CC)...ANDERSON, MCPHARLIN & CONNERS
MARY Y KING (CC)...ANDERSON, MCPHARLIN & CONNERS
GREGORY PIZZA (CC)...ANDERSON, MCPHARLIN & CONNERS
DIANA M PIZZA (CC)...ANDERSON, MCPHARLIN & CONNERS
STEVEN STEPHENSON AND GAYLE J (CC)...ANDERSON, MCPHARLIN & CONNERS
STEPHEN M STEWART (CC)...ANDERSON, MCPHARLIN & CONNERS
KENNETH F WIESEMANN (CC)...ANDERSON, MCPHARLIN & CONNERS
LIA N WIESEMANN (CC)...ANDERSON, MCPHARLIN & CONNERS
FIRST REGIONAL BANK CFBO DARRE(CC)...ANDERSON, MCPHARLIN & CONNERS
FIRST REGIONAL BANK CFBO MARY (CC)...ANDERSON, MCPHARLIN & CONNERS
DAVID J. WEEMS (TEE)...PRO/PER
JEAN-PIERRE GALLELLI (GARRETT & TULLY)...GARRETT &
JPL PREMIER PROPERTIES, LLC (THOMAS C NELSON)...THOMAS C
PHOENIX FINANCIAL SERVICES, IN(THOMAS C NELSON)...THOMAS C
JAMES R. SNEDAKER (THOMAS C NELSON)...THOMAS C
SNEDAKER DEVELOPMENT CO. INC (THOMAS C NELSON)...THOMAS C
VENETO, LLC (THOMAS C NELSON)...THOMAS C
LA JOLLA LOANS, INC (R GENE STEINECKERT)...R GENE ST
DIANA M PIZZA, CO-TRUSTEE (JESSE S HERNANDEZ)...JESSE S H
GREGORY PIZZA, CO-TRUSTEE ()...
GAYLE J STEPHENSON, TRUSTEE ()...
STEPHEN STEWART ()...
KENNETH F WIESEMANN, TRUSTEE ()...
LILA N WIESEMANN, TRUSTEE ()...
LINDA K. WEEMS AS TRUSTEE OF T(ROBERT A. BARTLETT)...ROBERT A.
IRREVOCABLE CHARITABLE REMAIND()...
LINDA J PARTAIN INDIVIDU ALLY()...

No calendar notes will be prepared. Judge to decide.